

SIKKIM

GOVERNMENT **GAZETTE**
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Saturday 27th September, 2014

No. 400

**GOVERNMENT OF SIKKIM
SOCIAL JUSTICE, EMPOWERMENT AND WELFARE DEPARTMENT
(SOCIAL WELFARE DIVISION)
GANGTOK**

No.7/SJE&WD

Date:- 20.9.2014

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007), the State Government hereby makes the following rules, namely:-

**CHAPTER I
PRELIMINARY**

- 1. Short title and Commencement** (1) These rules may be called "the Sikkim Maintenance and Welfare of Parents and Senior Citizens rules, 2014".
- (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.-** (1) In these rules, unless the context otherwise requires,-
- (a) "Act" means the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;
 - (b) "application" means an application made to the tribunal under section 5 of the Act;
 - (c) "blood relations", in the context of a male and a female inmate, means father-daughter, mother-son, and brother-sister but not cousins;
 - (d) "Conciliation Officer" means any person or representative of an organization referred to in explanation to sub-section (1) of section 5 or the Maintenance Officer designated by the State Government under sub-section (1) of section 18 or any other person nominated by the tribunal for this purpose;
 - (e) "Form" means a form appended to these rules;
 - (f) "Indigent Senior Citizen" means a person whose monthly income is less than rupees one thousand and five hundred;
 - (g) "inmate" in relation to an old age home, means a senior citizen duly admitted to reside in such a home;

- (h) "opposite party" means the party against whom an application for maintenance has been filed under section 4 of the Act;
 - (i) "Organization" means an association registered under the Societies Registration Act, 1860 or any other law for time being in force in Sikkim;
 - (j) "Presiding Officer" means an officer appointed to preside over a Maintenance Tribunal envisaged in sub-section (2) of section 7 or an Appellate Tribunal under sub-section (2) of section 15 of the Act;
 - (k) "Section" means a section of the Act;
 - (l) "State Government" means the Government of Sikkim;
- (2) Words and expressions defined in the Act but not defined in these rules shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PROCEDURE MAINTENANCE TRIBUNAL AND CONCILIATION OFFICERS:-

3. Panel for (1) Every Tribunal shall prepare a panel of persons suitable for appointment as Conciliation Officer under sub-section (6) of section 6; which shall include the Maintenance Officers designated under section 18.

Officers:-

- (2) The Conciliation Officer shall have the following qualifications namely:-
- (a) he should be associated with an organization which is working for the welfare of senior citizens and/or weaker sections, or in the area of education, health, poverty-alleviation, women's empowerment, social welfare, or related fields, for at least 2(two) years with an unblemished record of service;
 - (b) he should be a senior office-bearer of the organization; and
 - (c) he should possess good knowledge of law:

Provided that a person who is now associated with an organization of the kind mentioned above, may also be included in the panel mentioned in sub-rule (1) if he fulfills the following conditions namely:-

- (i) he has a good and unblemished record of public service in one or more of the areas mentioned in clause (a); and
- (ii) he should possess good knowledge of Law.

4. Procedure for (1) An application for maintenance under section 4 shall be made in Form 'A' in the manner laid down in clauses (a) and (b) of sub-section (1) of section 5.

filling an application for maintenance and its registration:-

- (2) On receipt of an application made under sub-rule (1), the Presiding Officer shall cause,-
- (a) its essential details to be entered in a Register of Maintenance Claim Cases, to be maintained in such a manner as the State Government may specify by an executive order, and

- (b) Notwithstanding anything contained in rule 4, its acknowledgement in Form "B" to be given, to the applicant or his authorized representative in case of delivery by hand, but if sent by post, the acknowledgement shall also specify the registration number of the application.
- (3) Where a Tribunal suo motu takes cognizance of a maintenance claim, the Presiding Officer shall, after ascertaining facts, get Form 'A' completed as accurately as possible, through the staff of the Tribunal, and shall, as far as possible, get it authenticated by the senior citizen or the parent concerned, or any person or organization authorized by him as the case may be, and shall cause the same to be registered in accordance with clause (a) of sub-rule (2).

5. Preliminary Scrutiny of the application.-

- (1) On receipt of an application under sub-section(1) of section 5, the Tribunal shall satisfy itself that,-
 - (a) the application is complete in all respects, and
 - (b) the opposite party has, prima facie, an obligation to maintain the applicant in terms of section 4.
- (2) In case where the Tribunal finds any lacunae in the application, it may direct the applicant to rectify the same within a reasonable time.

6. Notice to the Opposite Party.-

- (1) Once the Tribunal is satisfied on the points mentioned in sub-rule(1) of rule 5, it shall cause to be issued to the opposite party a notice in Form 'C' along with a copy of the application and its enclosures, in the following manner, directing him to show cause as to why the application should not be granted,-
 - (a) by hand delivery through the applicant, if he so desires, else through a process server; or
 - (b) by registered post with acknowledgement due.
- (2) The notice shall require the opposite party to appear in person, on the date to be specified in the notice and to show cause, in writing, as to why the application should not be accepted and shall also inform him that, in case he fails to respond to it, he shall be heard ex-parte.
- (3) Simultaneously with the issue of notice under sub- rules(1) and (2), the applicant(s) shall also be informed of the date mentioned in sub-rule(2), by a notice issued in Form 'D'.
- (4) The provisions of Order V of the Code of Civil Procedure, 1908, shall apply, mutatis mutandis, for the purpose of service of notice under sub-rules (2) and (3).

7. Procedure in case of non-appearance of the Opposite Party.-

In case, despite due service of notice, the opposite party fails to appear, the Tribunal may make an order that the matter be heard ex-parte. The Tribunal then, by taking evidence of the applicant and making such other inquiry as it deems fit, shall pass an order disposing of the application.

8. Procedure where only Opposite Party appears.-

Where the opposite party appears and the applicant does not appear, the Tribunal shall adjourn the case and shall cause a notice upon the applicant served for appearing on the next date. If after being duly served, on the next date also, the applicant does not appear, the Tribunal shall dismiss the application unless the opposite party admits the claim made in the application, in which case, the Tribunal shall grant the application in accordance with the admission.

9. Procedure where the applicant appears subsequently and assigns good cause for previous non-appearance.-	Where the applicant appears after dismissal of his application under rule 7, and shows good and sufficient cause for his non-appearance on the earlier two dates, the Tribunal shall restore the application.
10. Procedure in case admission of claim.-	In case, on the date fixed in the notice issued under rule 6 , the opposite party appears and accepts his liability to maintain the applicant, or the two parties arrive at a mutually agreed settlement, the Tribunal shall pass an order accordingly.
11. Procedure for impleading children or relative.-	<p>(1) An application by the opposite party, under the proviso to sub-section (5) of section 5 to implead any other child or relative of the applicant shall be filed on the first date of hearing and notice thereof shall be issued to such a child or relative in accordance with rule 6.</p> <p>Provided that no such application shall be entertained after the first hearing unless the opposite party shows sufficient cause for filing the same at a later stage.</p> <p>(2) On receipt of an application made under sub-rule (1), the Tribunal shall, if it is prima facie satisfied, after hearing the parties about the reasonableness of such application, issue notice to such other child or relative to show cause why they should not be impleaded as a party, and shall, after giving them an opportunity of being heard, pass an order regarding their impleadment or otherwise.</p> <p>(3) In case the Tribunal passes an order of impleadment under sub-rule (2), it shall cause a notice to be issued to such impleaded party in Form 'C' in accordance with rule 6.</p>
12. Reference to Conciliation Office.-	<p>(1) In case, on the date fixed in the notice, the opposite party appears and shows cause against the maintenance claim, the Tribunal shall seek the opinion of both the parties as to whether they would like the matter to be referred to a Conciliation Officer and if they express their willingness in this behalf, the Tribunal shall ask them whether they would like the matter to be referred to a person acceptable to both the parties.</p> <p>(2) If both the parties agree on any person as provided in sub-rule (1), the Tribunal shall appoint such person as the Conciliation Officer in the case and shall refer the matter to him, through a letter in Form 'E', requesting the Conciliation Officer to try and work out a settlement acceptable to both the parties, within a period not exceeding 1(one) month from the date of receipt of the reference.</p> <p>(3) The reference in Form 'E' shall be accompanied with copies of the application and replies of the opposite party thereto.</p>
13. Proceedings by the Conciliation Officer.-	<p>(1) Upon receipt of reference under rule 12, the Conciliation Officer shall hold meetings with both the parties as necessary, and shall try to work out a settlement acceptable to both the parties, within a period of 1(one) month from the date of receipt of the reference.</p>

(2) If the Conciliation Officer succeeds in working out a settlement acceptable to both the parties, he shall draw up a memorandum of settlement in Form 'F' get it signed by both the parties, and forward it, with a report in Form 'G', along with the entire record of the case received from the Tribunal, back to the Tribunal within a period of 1(one) month from the receipt of the reference.

(3) If the Conciliation Officer is unable to arrive at a settlement within a period of 1(one) month of the receipt of the reference under **rule 12**, he shall return the paper received from the Tribunal along with a report in Form 'H', showing efforts made to bring about a settlement and the point of difference between the parties which could not be reconciled.

14. Action by the Tribunal in case of settlement before a Conciliation Officer - (1) In case, the Tribunal receives a report from the Conciliation Officer under sub-rule (2) of rule 13, along with a memorandum of settlement, it shall give notice to both the parties to appear before it on a date to be specified in the notice, and confirm the settlement.

(2) In case on the date specified in the notice referred to above, the parties appear before the Tribunal and confirm the settlement arrived at before the Conciliation Officer, the Tribunal shall pass a final order as agreed in such settlement.

15. Action by the Tribunal in other cases.- (1) In case,-
(i) the applicant(s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer as per **rule 12**, or
(ii) the Conciliation Officer appointed under **rule 12** sends a report under sub-rule (3) of **rule 13** conveying inability to work out a settlement acceptable to both the parties, or
(iii) no report is received from a Conciliation Officer within the stipulated time-limit of 1(one) month, or
(iv) in response to the reference made under **sub-rule (1) of rule 14**, one or both the parties decline to confirm the settlement worked out by the Conciliation Officer, the Tribunal shall give both the parties an opportunity of leading evidence in support of their respective claims, and shall, after a summary inquiry as provided in sub-section (1) of section 8, pass such order as it deems fit. The Tribunal may take evidence by way of affidavits.

(2) An order passed under rule 7, rule 10, **or sub rule (1) of rule 15**, shall be a speaking one, spelling out the facts of the case as ascertained by the Tribunal, and the reasons for the order.

(3) While passing an order under sub-rule (1), directing the opposite party to pay maintenance to an applicant, the Tribunal shall take the following into consideration:-

- (a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation and healthcare,
- (b) income of the opposite party,
- (c) value of, and actual and potential income from the property, if any, of the applicant, which the opposite party, would inherit and/or is in possession of, and

(d) the Tribunal may, at any stage, ask the Maintenance Officer or any official to inspect the property of the applicant, evaluate it and verify income derived there from.

(4) A copy of every order passed, whether final or interim, or an application, shall be given to the applicant(s) and the opposite party or their representatives, in person, or shall be sent to them through a process server or by registered post, as the case may be.

16. Maximum Maintenance allowance.-

The maximum maintenance allowance which a Tribunal may order the opposite party to pay shall, subject to maximum of rupees ten thousand per month.

**CHAPTER III
PROCEDURE OF APPELLATE TRIBUNAL**

17. Form of appeal –

An appeal under sub-section (1) of section 16, shall be filed before the Appellate Tribunal in Form 'I', and shall be accompanied by a copy of the impugned order of the Maintenance Tribunal.

18. Registration and acknowledgement of appeal-

On receipt of an appeal, the Appellate Tribunal shall enter it in a register to be maintained for this purpose in such a manner as the State Government may specify, and shall, after registering such appeal, give an acknowledgment in form 'J' to the appellant specifying the appeal number and next date of hearing.

19. Notice of hearing to the respondent-

(1) On receipt of an appeal, the Appellate Tribunal to shall, after registering the case and assigning an appeal number, cause notice to be served upon the respondent under its seal and signature in Form 'K' in the following manner:-

(a) by hand delivery through the applicant, if he so desires, else through a process server; or

(b) by registered post with acknowledgement due,

(2) The provisions of Order V of the Code of Civil Procedure, 1908 shall apply mutatis mutandis for the purposes of service of notice issued under sub-rule (1).

**CHAPTER IV
SCHEME FOR MANAGEMENT OF OLD AGE HOMES ESTABLISHED
UNDER SECTION 19**

20. Scheme of old- age home.-

All old-age home in the State being run by the State Government or Non Government Organization with the help of any Government Grant, shall be liable to accommodate such senior citizens who are indigent or are referred for such accommodation.

- 21. Management of old-age homes for Indigent senior citizens.-** Old –age homes established under section 19, shall be run in accordance with the following norms and standards:-
- (1) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.
- (2) The old-age homes shall provide to the senior citizens all the basic amenities including food, clothing, accommodation and healthcare.
- (3) Inmates of old-age homes shall be selected in accordance with following procedure:-
- (a) application shall be invited at appropriate intervals, but at least once in each year, from indigent senior citizens, as defined in section 19 of the Act, desirous of living in the old-age home;
- (b) in case the number of eligible applicants on any occasion is more than the number of vacancies available in a home for admission, selection of inmates shall be made in the following manner:-
- (i) the more needy shall be given preference over the less needy applicants;
- (ii) other things being equal, older senior citizens shall be given preference;
- (iii) other things being equal, female applicants shall be given preference over male applicants; and
- (iv) Illiterate or infirm senior citizens may be admitted without any formal application, if the District Magistrate or any other officer authorized by him for the purpose, is satisfied that the senior citizen is not in a position to make a formal application, but is really in need or shelter.
- (4) While considering applications or cases for admission to the old-age homes, no distinction shall be made on the basis of religion or caste;
- (5)The old- age homes shall provide separate lodging for men and women inmates, unless a male and a female inmate are either blood relation or a married couple; and
- (6) Day to day affairs of the old-age homes shall be managed by a Management Committee, which shall be constituted by the District Magistrate in accordance with the orders and the guidelines issued by the State Government from time to time and the inmates of the old-age homes shall also be suitably represented in the said Committee.

CHAPTER V **DUTIES AND POWERS OF THE DISTRICT MAGISTRATE**

- 22. Duties and power of the District Magistrate-**
- (1) The District Magistrate or any other officer authorized by him on his behalf within the local limits of his jurisdiction shall perform the duties and exercise the powers mentioned under the Act to ensure that the provisions of the Act are properly carried out in his district.
- (2) It shall be the duty of the District Magistrate to-
- (i) ensure that life and property of senior citizens of the district are protected and they are able to live with a sense of security and dignity;

- (ii) oversee and monitor the work of the Maintenance Tribunals and the Maintenance Officers of the district with a view to ensuring timely and fair disposal of applications for maintenance and execution of Tribunals' orders;
- (iii) oversee and monitor the working of old-age homes in the district so as to ensure that they conform to the standards laid down in these rules, and guidelines and orders of the State Government;
- (iv) ensure regular and wide publicity of the provisions of the Act, and the Central and the State Government's programmes for the welfare of senior citizens;
- (v) encourage and co-ordinate with panchayats, municipalities, Nehru Yuva Kendras, educational institutions and especially National Service Units, organizations, specialists, experts, activists etc. working in the district so that their resources and efforts are effectively utilized for the welfare of senior citizens of the district;
- (vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;
- (vii) ensure periodic sensitization of officers of various Departmental Local Bodies associated with the welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards such senior citizens;
- (viii) review the progress of investigation and trial of cases relating to senior citizens in the district;
- (ix) ensure that adequate number of prescribed application forms for maintenance are available with Panchayats, Post Offices, Gram Vikash Adhikaris, Collectorate sand Police Stations etc;
- (x) promote establishment of dedicated helplines for senior citizens at the district headquarters; and
- (xi) perform such other functions as the State Government may, by order, assign to the District Magistrate in this behalf, from time to time.

(3) In order to implement the provisions of the Act, the District Magistrate or an officers authorized by him in this behalf not below the rank of Sub-Divisional Magistrate, shall have the power to refer the case of a senior citizen, who may be considered "indigent" to the Tribunal.

(4) In case of any danger to the life or the property of a senior citizens, it shall be the duty of the District Magistrate or the officer authorized by him to protect the senior citizens from the said danger.

(5)In case a senior citizen requires protection or is destitute, it shall be the duty of the District Magistrate or the Officer authorized by him to provide shelter to him in an old- age home being run by the State Government or a Non- Government Organization.

(6) In case of emergency, the District Magistrate or the officer duly authorized by him, shall also make suitable arrangements for medical care of the abandoned and indigent senior citizen.

(7) With a view to performing the duties mentioned in sub-rule(2), the District Magistrate shall be competent to issue directions, not inconsistent with these rules, the Act and general guidelines of the State Government, as may be necessary, to any Government and statutory agency or body working in the district and especially to the following:-

- (a) Officers of the State Government in the Police Department, Health and Family Welfare Department, Information and Public Relations Department and the Departments dealing with the welfare of senior citizens;
- (b) Maintenance Tribunals and the Conciliation Officers;
- (c) Panchayats and Municipalities; and
- (d) Educational Institutions.

CHAPTER VI PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZENS

23. Action plan for the protection of life and property of senior citizens-	An action plan or guidelines, for protection of life and property of senior citizens shall be notified by the State Government from time to time.
--	---

CHAPTER VII STATE COUNCIL AND DISTRICT COMMITTEES OF SENIOR CITIZENS

24. State Council of Senior Citizens-	The State Government may, by order, establish a State Council for the Senior Citizens to advise the State Government for effective implementation of the Act and to perform such other functions in relation to senior citizens as the State Government may specify.
25. District Committee for Senior Citizens-	The State Government may, by order, establish a District Committee for Senior Citizens for each district to advise for effective and coordinated implementation of the Act at the district level, and to perform such other functions in relation to senior citizens at the district level, as the State Government may specify.

CHAPTER VIII

26. Miscellaneous-	<ul style="list-style-type: none">(i) Any legal heir abandoning the Senior Citizens shall be punishable with 3 (three) months imprisonment or a fine of Rs. 5000/- or both as laid down in section 24 and section 25 of the said Act.(ii) There shall be no legal proceedings against any officer or authority passing any order in good faith under the provision of this Act.
---------------------------	--

By order and in the name of the Governor.

**G.P.Upadhyaya)IAS
Principal Secretary
Social Justice Empowerment & Welfare Department**

SCHEDULE
(See rule 21)

NORMS OF PHYSICAL FACILITIES AND OPERATIONAL STANDARDS FOR AN OLD AGE HOME FOR INDIGENT SENIOR CITIZENS ESTABLISHED U/S 19 OF THE ACT.

I Physical Facilities.

- 1. Land:** The land for the old age home should be adequate to comply with the Floor-Area Ratio (FAR) as prescribed by the relevant urban body/State Government. In the case of semi-urban/rural areas, the State Government shall provide adequate land for setting up of an old age home of requisite capacity such that there is adequate land for recreation, gardening, further expansion, etc.
- 2. Living Space:** The old age home shall, as possible, have minimum area per inmate as per the following norms:-
 - (i) Area of bedroom/dormitory per inmate 7.5 sq. metres
 - (ii) Living area or carpet area per inmate i.e. 12 sq. meter including (i) above plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc. but excluding verandahs, corridors, etc.
- 3. Facilities:-**
 - (1) The old age home shall have the following facilities:-
 - (i) residential area comprising rooms/dormitories-separately for men and women;
 - (ii) adequate water for drinking and ancillary purposes;
 - (iii) electricity, fans and heating arrangement for inmates (as necessary);
 - (iv) kitchen-cum-store and office;
 - (v) dining hall;
 - (vi) adequate number of toilets and baths, including toilets suitable for disabled persons;
 - (vii) recreation facilities, television, news paper and an adequate collection of books; and
 - (viii) first aid, sick bay, and primary healthcare facilities.
 - (2) The old age home should be barrier-free with provision of ramps and handrails, and necessary, lifts, etc.

II Operational standards

1. Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
2. Adequate clothing and linen for the inmates, including for the winter season.
3. Adequate arrangements for sanitation, hygiene, and watch and ward/security.
4. Arrangements with the nearest Government hospital for emergency medical care, and with the nearest Police Station for security requirements.

FORM-A
(see rule 4)

Application for maintenance under clause (a) and (b) of sub-section (1) of section 5 of the Act.

Sub-Division.....

District.....

1. Name of the appellant :
2. Name of father/Husband :
3. Complete Postal Address :

Village.....Road.....

Ward No.....

Police Station.....

Post Officer Pin Code

District.....

4. Name of children/relative from whom Maintenance claimed:
5. Present Address of Children/Relative:

Village.....Road.....

Ward No.....

Police Station.....

Post Officer.....Pin Code

District.....

6. Permanent Address of Children/Relative:

Village.....Road.....

Ward No.....

Police Station.....

Post Officer.....Pin Code.....

District.....

7. Yearly income of the children/ relative from all sources:

8. Details of order against which the present appeal is being filed:

9. Grounds of Appeal:

10. Relief, prayed for:

11. Interim prayer, if any:

Applicant

Verification

I do hereby verify that the statements made above by me are true to the best of my knowledge and belief and in verification thereof I put my signature hereunder:

Signature of applicant.

FORM 'B'
(See clause (b) of sub-rule (2) of rule 4)

ACKNOWLEDGEMENT

Received from Smt/Shri/Ms.....son
of Smt./Shri./ Ms,
four copies of the application preferred under sub section (1) of section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act,2007 which has been registered and assigned the Application No..... of.....

Signature with seal

FORM 'C'
(see sub-rule (1) of rule 6 and sub-rule (3) of rule 11)

Before the Presiding Officer, Maintenance Tribunal

Application No.....of.....

Sh./Smt.....

.....**Applicant**

Versus

Sh./Smt.....

.....**Respondent**

NOTICE OF CAUSE

Whereas an appeal under sub-section(1) of section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act,2007, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to this Tribunal

You are hereby informed that the said application has been fixed for hearing at A.M. on and that if you wish to state anything in reply to the application, you may appear in this Tribunal on that date, and file your written statement 3(three) days before that day either in person or through any Advocate duly instructed.

Take notice that in default of your appearance on the date aforementioned the case shall be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this.....day of

BY ORDER OF THE MAINTENANCE TRIBUNAL,.....

Signature with seal

FORM 'D'

(See sub-rule (3) of rule 6)

Before the Presiding Officers, Maintenance Tribunal

(Exercising the powers of Appellate Tribunal under sub-section (1) of section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007).

Application No.....of

To

Smt./Shri/Ms.....
.....
.....

Smt./Sh./Ms.....

.....Applicant

Versus

Smt./Sh./Ms.....

.....Respondent

NOTICE

Where as an Application has been filed by you under sub-section (1) of section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before this Tribunal.

And where as now this Tribunal has fixed your application for hearing at.....A.M. on.....

And where as now if you wish to urge anything in support of your please taken in your application, you may appear in this Tribunal on that date either in person or through any Advocate duly instructed.

Now, take notice that in default of your appearance on the date aforementioned that case shall be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this.....day of.....

BY ORDER OF THE MAINTENANCE TRIBUNAL,.....

Signature with seal

FORM 'E'

**(See sub-rule (2) and (3) of rule 12)
BEFORE THE PRESIDING OFFICER, MAINTENACNE TRIBUNAL**

Application No.....of

To
.....
.....

Subject:- Application No..... (..... Versus)

Whereas an Application was fixed for hearing on.....

And whereas in response to the notice given in Form-C to the opposite party, the opposite party appeared and showed cause against the maintenance claim;

And whereas the Tribunal has sought the opinion of both parties as to whether they would like the matter to be referred to a Conciliation Officer;

And whereas now both the parties have expressed their willingness in this behalf and upon the asking of the Tribunal whether the parties would like the matter to be referred to a person included in the panel prepared under rule 5, or to any other person acceptable to both the parties, now both the parties have agreed for your being appointed as the Conciliation Officer in the subject cited case;

Now through this letter you are requested to try and work out a settlement acceptable to both the parties, within period not exceeding 1(one) month from the date of receipt of the reference. Copies of the application and replies of the opposite party thereto are enclosed herewith.

Presiding Officer

Maintenance Tribunal

FORM -F

MEMORANDUM OF SETTLEMENT
(See sub-rule(2) of rule 13)

This Memorandum of Settlement (MoS) is worked out on this.....day of.....between(here-in- after referred to as the 'First Party') and Sh/Smt.....(here-in- after referred to as the 'Second Party').

Whereas the learned Maintenance Tribunal has designated me as the Conciliation Officer and has directed to work out a settlement acceptable to both the parties and to draw up a Memorandum of Settlement vide orders dated.....;

And whereas in pursuance to the orders of the id. Tribunal, the Conciliation Officer vide letter dated.....summoned both the parties to appear before him onat 10 A.M;

And whereas now with the best sorts of the Conciliation Officer, both the parties are now entering into this Memorandum of Settlement to formalize various terms and conditions of this MoS reach between them;

Now, therefore, the parties hereby agree and this Memorandum of Settlement witnesseth as follows:-

1. That the Second Party has agreed to maintain the first party to provide such needs of the life like shelter, food, clothing, medical facilities etc. which shall made the second party to lead a normal life.
2. That the second party shall pay a sum of Rs.....to the first party on account of pocket money as well as to meet the day to day petty expenses. This will be paid through.....mode of payment by.....date of every month.
3. That if at any stage, the second party fails to provide the facilities as mentioned in the sub stage, the sub clause(1), then the second party shall pay a sum of Rs.....per month as a Maintenance Allowance to the First mode of payment.
4. The second party undertake that in case he/she fails to abide by the terms and conditions of this MoS then, the Second Party shall be liable to be proceeded against under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act,2007 as well as the rules framed there under.

Note: Also include any other terms and conditions of the settlement here.

Signed by the parties to this Memorandum of Settlement on the date mentioned by them and it shall come into force after all the parties have signed.

In witness whereof the parties hereto have set their hands, in token of acceptance.

First Party

Conciliation Officer

Second Party

Witness No.1

Witness No. 2